1862-63.
(Courts)

File No 1
Sls. 1-6.

Entertainment of Government
Vakeels.

Indexed

order can be passed ~~immediately~~ until I have had an opportunity of seeing the Judicial admr Reports

D 15/6/63

E

1863. No 36

From
The Judicial Commissioner
To Secretary to Govt

Dated 13th June 63
Despatched 13th "
Received

Enclosures, No.
No 58
Subject

Suggestions for the consideration of the Commissioner the expediency of entertaining the Government to undertake each of the Sessions Courts of the Division

Orders.

Ans. 15/6/63

Reply that the subject will receive [illegible]

Mysore Judicial Commissioner's Office

From

C B Saunders Esquire
Judicial Commissioner
in Mysore

To

The Secretary to the
Commissioner of Mysore

Dated Bangalore 13th June 1863

Sir

Provision being made in Section 231 and 360 of the Criminal Procedure Code for the employment of Pleaders to conduct prosecutions in behalf of Government in trials held before the Courts of Sessions and my instructions on the subject of the Entertainment of such an Officer in this Court having been solicited by the Superintendent of the Nuggur Division, I have deemed it right to bring the subject to the notice of the Commissioner and to state that I consider that it will conduce very considerably to facilitate the despatch of business in the several Courts of Sessions and to further the ends of justice if a Government Pleader be appointed to conduct the

the prosecution in all trials in which the Sessions or Government is Prosecutor as well as in all other cases in which his services can be usefully employed.

2 Holding as I do the above opinion, I have the honor to recommend for the favorable consideration of the Commissioner that a competent and efficient Officer may be entertained as Government Pleader in each Sessions Court of the Province and be remunerated for his services by a fixed salary of Rupees 100 or 150 per annum, as I do not consider a properly qualified person can be found to undertake the duties on a smaller rate of emolument.

Bangalore
13th June
1863

I have the honor to be
Sir
Your most obedient Servant
C. W. Saunders
Judicial Commissioner

Fe N° 839
Judc - 22

Mysore Commr Office

To The Judicial Commr in Mysore
Bangalore

Sir

I have the honor by desire of the Commr to state in reply to your letter N° 58 of the 13th Inst, that the subject of appointing a Govt Pleader to each Sessions Court in the Province will receive consideration; but that no orders can be passed until the Commr has had an opportunity of seeing the Judicial Administration reports for 1862/63

B 17/6/63

Bangalore
18th June 1863

I have &c
HHD
Secretary.

1863. No 839.
Judl 22

To.

The Judl Commrs
in Mysore.

Mahé
Despatch 3 18th June 1863

Gl. Nº 839
Judl 22.

Transmits in reply to letter Nº 55 of the 13th Inst. that the subject of appointing a Govt Pleader to each Sessions Court in the Province will receive consideration after the Commrs has had an opportunity of seeing the Ad. Reports for 1862/63.

Nº 10 Dated 18th Inst

9

Govt Pleader in Mysore, having
regard to the Scale of Salaries
in other Depts; but before
issuing orders respecting
that app to it will be necessary
to enquire what remuneration
is given in the adjoining
Districts of the Madras Pres.y

B 18787

1863. No 89

From

The Judicial Commissioner

To The Secretary

Dated 17th August 63

Despatched

Received 18th a

Enclosures, No. 1

No 141

Subject.

In continuation of
letter No 58 of the 13th
~~August~~ forwards Copy
of a letter from the Supt
of Nuggur applying for
a Govt Pleader for his
Court and recommends
one for each of the
Divisions.

Orders.

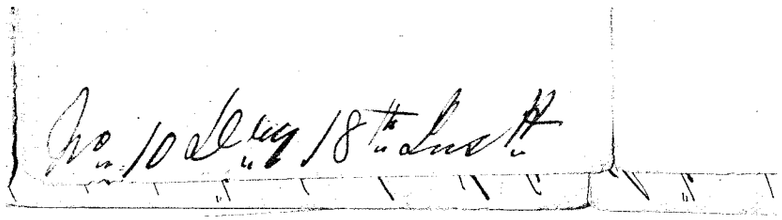
Corr with Correspondent
1863

I think that a Salary of
Rs 150 is sufficient for a

No 5. 84. Dtd 20-8-63.

19

the



No 141

Mysore Judl Commr Office

From

C. B. Saunders Esqure
Judicial Commissioner
in Mysore

To The Secretary
to the Commissioner
of Mysore

Dated Bangalore the 17th August 63

Sir,

In continuation of my letter No 58 dated 13th June last I have the honor to annex for the information and orders of the Commissioner the accompanying copy of a letter which I have this day received from the Superintendent of the Nuggur Division, again bringing to my notice the inconvenience experienced from the want of a Government Pleader or other person to conduct the prosecution in Sessions Cases as contemplated by the Criminal Procedure Code.

2. As the Commissioner has expressed his intention of again taking the

the subject into consideration after the submission of the administration Report for the past year, which left my Office on the 24th Ultimo, I would again beg to recommend that sanction be accorded to the appointment of a Government Pleader in each of the 3 Courts of Session in Mysore, upon a suitable salary, which I am inclined to think should be fixed at a higher figure than that which I before proposed, in order to secure the services of the best qualified and most thoroughly respectable and intelligent individuals available for these posts.

3. I do not think that it is advisable to combine the duties of a Government Prosecutor with those of the Manager of the Superintendent's Office, as has been proposed by the Superintendent of Nuggur I presume merely as a temporary expedient, but I see no objection to Captain Elliot appointing C. Ramasawmy the individual named by him, to the post of Government Prosecutor

Prosecutor the duties of which from his former training he is likely to fulfil satisfactorily, provided the Commissioner is prepared to authorize his receiving the same salary as that which he now enjoys Viz^t. Rupees 250 per mensem; this however may be con= sidered an unnecessarily high salary.

I have the honor to be
Sir,
Your most Obed^t. Servant

Bangalore
The 17^th. August
1863

Chas. B. Saunders
Judl. Commissioner

C.S.

No. 75

364

Nugur Division
Superintendents Office

From

Captain C. Elliot C.B.
Superintendent of the
Nugur Division.

To

C. B. Saunders Esqre
Judicial Commissioner
in Mysore.

Sir,

In Para 15 of my letter dated the 10th February last No. 386, I brought to your notice the inconvenience experienced from the want of a Government pleader or other person to conduct the prosecution in Sessions Cases as Contemplated by the Procedure Code, but as no appointment has as yet been made and pending the final decision of the question whether Government pleaders are or are not to be appointed, I have the honor to request the favor of your Sanctioning the appointment of C. Ramasawmy, the Manager of my English office, to Conduct the prosecution of all Committed Cases before my Court. as he has acquired some Considerable experience as prosecutor on the part of Government before the Sessions Court of the Salem District

on

in the Madras Presidency and as I am able from personal knowledge to recommend him as a person eminently qualified to conduct satisfactorily the duties of the post I have no hesitation in soliciting your sanction to his appointment—

2— Should this arrangement meet your approval I shall issue the necessary instructions to the Deputy Superintendents of the Districts under my charge to conform to the provisions of Section 231 of the procedure Code.—

3. As I purpose holding my usual Sessions in the early part of next month, I shall feel obliged by your early attention to the subject.—

I have the honor to be &c
"

Bangalore
13th " August 1863.

/ signed/ C. Elliot
Superintendent—

"True Copy

Judicial Commissioner—

12

Encls: in Jud. Com'rs Letter
17th Augt/63 No. 141.

Jud. 56. (63)

To The Judicial Commr in Mysore.

Sir

924

I am desired by the Commr to state in reply to your letter No 144 of the 17th inst – that he considers a salary of Rs. 150 is sufficient for a Govt Pleader in Mysore, having regard to the scale of salaries in other Depts but before issuing orders respecting these appointments, the Commr desires to you will favor him with your report, ascertaining as to what remuneration is given in the adjoining Districts of the Madras Presidency. In the Civil Auditors Manual – Edn: 1857 – the salary of the Govt Pleader attached

B 19/8/63

He Commr concurs with you that it is not advisable to combine the functions of Public Prosecutor & Manager of the Legal Office in one individual and with the Assistance

attached to the Sudr Court is fixed at Rs: 500; & of the Govt Vakeel attached to all Civil & Sessions Courts at Rs: 21 which is only 1/5 of the pay of the Serishtadar who get Rs: 100; but the scale may be different now.

I have &c.

Secretary.

× Cap: VII para 101.

do " 132

Bangalore
20th August 1863.

In this point direct him to forward copy of a letter No 56. fr: the Supt of Mysore to the Legislative Secretary requesting the deputation of the Supt Manager as Public Prosecutor in a Sessions Case tried at Seringapatam—

The Govr considers that under the clause of the Civil Proc: Code quoted by Capt Elliot Supt can invite a Chief Commissioner to conduct the prosecution in the Court of Sessions to authority is given to the Sessions Judge to nominate one of his officials as

Copy & Capt Cooper with Enclosure of his letter No 56.

1863

No 1730
Judl 55

To

The Judicial Commissioner
in Mysore.

Dated Bangalore 13th 150.
Despd 20th August 1863

No 1730
Judl 55

I am reply to letter No 141 of the 7th Instt. stating that he considers a salary of Rs 150 is insufficient for a Govt. Pleader in Mysore, but before issuing orders regarding these appointments requests to ascertain what remuneration is given in the adjoining Districts of the Madras Presidency. Also forwards copy of a letter from the Supdt of Mysore to Addl And. and Accountant regarding the deputation of the Supdts Manager as Public Prosecutor and conveys certain observations.

Recd 5 87 Proc 20-8-63

adopted, as there is no existing staff of Vakeels in Mysore who would be eligible for selection, nor would it be desirable to introduce them

It remains therefore to decide upon the agency to be employed, and upon the scale of remuneration for the individual selected.

The Supt of Nuggur is of opinion that it would be useless to seek for such persons in the Districts, in which view he is probably correct. It therefore appears true that it would be preferable that 3 Prosecutors, one for each Dist, should be nominated by the Jud Comr. Considering the amount of fees paid in Madras Districts, and the salary proposed by the Bellary Master, I am of opinion that 100 a month will be a sufficient remuneration with travelling allowance at 3/10 of salary rates when actually moving to & from the Dist Head Quarters.

D 7/9/63

1863 No 102.

From The Judicial Commissioner

To The Secretary

Dated 4th September 1863

Despatched 5th "

Received 7th "

Enclosures, No. 6

No 156

Subject.

Submits for the final orders of the Commissioner replies of the Sessions Judges on the subject of remuneration to Government Prosecutors in the Madras Presidency also Copy of a letter from the Supt of Nuggur recommending that this manager may be permitted to Conduct the prosecution of Cases at the ensuing Sessions as a temporary measure.

Orders.

Comr. 7/9/63

Return the enclosures.

It is quite clear that the system of fees could not be

9

From

C. B. Saunders Esquire

Sub. Commissioner

Mysore

To

The Secretary

to the Commissioner

of Mysore

Dated Bangalore 4th September 1863

Sir,

Referring to your letter
Genl. D. No. 1780 / Sub. " " 55 of the 20th August 1863
under acknowledgment, I have the
honor to annex, in original, for the
information of the Commissioner,
the replies which I have received
from the several Officers marginally
noted, to whom I applied for in-
formation in regard to the scale
of remuneration or Salary which
has

Acting Assistants of Bellary
Sessions Judge of Salem
Civil and Sessions Judge of Bangalore
Sessions Judge of Cuddapah

has been fixed by the Madras Go
vernment for the Public Prosecutors
or Government Pleaders who are
entrusted with the duty of conducting
prosecutions before the Courts of Ses-
sions in the adjoining Districts of
the Madras Presidency-

2 It will be seen from the Enclosures
which I suggest may be returned
with your reply, that no permanent
Government Public Prosecutors have
as yet been appointed to conduct pro-
secutions in the Madras Presidency,
but that the duty is devolved, at the
discretion of the Committing Magis
trate, either on the Government Vakils
or on any other pleaders attached to
the Courts- The Magistrates have
been empowered to disburse such
fees in each case as may appear

proper,

of Rupees 10 for any particular case be not exceeded without the special sanction of Government "Whereupon "the Magistrate may consider a higher "fee necessary as in the case of his "claiming it requisite to retain an English Barrister he must apply to Government for sanction" The above fees are payable to Government Vakeels in addition to any other Emoluments which they may derive from their Offices -

3 The above Rules are not adapted to the Courts of the Madras Presidency where a Native Bar already exists, and where the services of skilled pleaders are always available in addition to the Government Vakeels, who are remunerated by a fixed Salary of Rupees 21 per mensem

in

in addition to any other Emoluments which they may obtain from General practice &c.

4 In Jurisdictions however the case is different, as there are no regular pleadings, and the time has not yet arrived for encouraging to any great extent the attendance of Native Pleaders in our Courts.

5 Under these circumstances I am of opinion that the plan which I before proposed, Viz.t of appointing a well qualified and respectable Officer on a fixed and adequate Salary as Government Prosecutor in each of the Courts of Sessions is the one most likely to answer the end in view, and to ensure such Criminal case committed to the Sessions being conducted by a Public Prosecutor in accordance with the provisions

of the Criminal Procedure Code,
and in furtherance of the true and
important ends of Justice.

6 In connection with this sub-
ject, I have the honor to forward
a copy of a subsequent communication
and of its Enclosures which I have
received from the Superintendent
of Prisons No. 80 under date the 31st.
of August and received by me the
day before yesterday. In this Com-
munication Captain Elliot points
out that he had no intention of rec-
commending, as I was well aware,
that the Manager of his English
Office C. Ramasamy should hold
a permanent appointment as Public
Prosecutor in addition to his post
as Manager of his Office, but at the
same time urges that he should,
on account of his special Qualifications

for

for the duty be allowed to conduct the prosecution at the Sessions without special remuneration and until some definite arrangements can be made for the Entertainment of a Public Prosecutor under the Sanction of the Commissioners.

7 I do not see any objection to the Superintendent being allowed, under the circumstances, and as a temporary arrangement, to carry out the above suggestion, but I have not thought it right after the Expression of the Commissioners opinion on the subject, to authorize his doing so, until I had had an opportunity of again referring the Question of the appointment of Public Prosecutors for the final orders of the Local Government.

I have the honor to be

Sir,

Your most Obdt Servant

Chas Saunders

Sub Commissioner

Bangalore
4th September
1865

Extract from the Proceedings of the Sessions Court of Salem under date 9th January 1863.

C. Ramasamiah having intimated to the Court that he has been obliged to relinquish his post as Prosecuting Inspector of Police at the Sessions Court, in consequence of his promotion to a Superior appointment under the Mysore Government.

2 The Court merely fulfils its duty in recording the very satisfactory way in which C Ramasamiah has always performed his responsible duties. They required much firmness, honesty, and intelligence, and all these qualities have been ever displayed by him, and the Court desires to express a most favorable opinion of this Officer.-

3. Having personally been acquainted with Ramasamiah for a period of 10 years during which I have known him serving Government in this district in various capacities, I have much pleasure in certifying to the ability and faithfulness with which he has to my knowledge invariably conducted himself.

Salem
January 9th 1863

Signed J. W. Cherry.
Sessions Judge of Salem.

True Extract
Signed J. W. Cherry
Sessions Judge

C. Ramasawmy entered the Madras Police, Salem District, on the 1st August 1860. From that time to this he has zealously, faithfully and to the full satisfaction of his superiors performed the onerous duties of Head Quarter and Prosecuting Inspector. His abilities in the latter office are of the highest order. He has been most successful in carrying prosecutions through the Sessions and Magistrates Courts. His knowledge of Law & Police Business is of a superior degree. His acquaintance with the English Language is of a far greater Compass than is usually attained to, even by "well educated Natives". He possesses much tact, intelligence, judgement, and thoroughly honest and trustworthy.

It is with much regret that I lose his services, on his obtaining a superior appointment under the Mysore Government, and I have much pleasure in adding my testimony of his value as a Public Servant, to that of the several Gentlemen under whom he has served and from whom he has received testimonials.-

Signed/ Henry S. Hill Lt.
Supt. of Police
Salem District

Salem,
January 9th 1863.

"True Copies.
Signed/ C. Elliot

Chas M Saunders

Ad Jr Commissioners

Superintendent's Office.

From

Captain C. Elliot C. B.
Superintendent of the
Nagur Division

To.

C. B. Saunders Esqre
Judicial Commissioner
in Mysore. —

Sir,

1. In acknowledging the receipt of your letter of the 21st Instant, No. 47, on the subject of the appointment of Government prosecutors to prosecute Sessions Cases before the Superintendt's Courts, I have the honor to state that when recommending, in my letter of the 13th Instant, the appointment of C. Ramasawmy, the Manager of my English office, to prosecute Cases before my Court, it was not my intention that he should hold a permanent appointment in that Capacity in addition to his office of Manager or that he should draw additional pay for the former office, but merely that he should be allowed to undertake the duty of prosecuting Cases before me, as a temporary measure, in the absence of any other person in the Division under my charge sufficiently qualified to conduct the duties of that most important and responsible

responsible office involving the opening of Cases, Conducting the Examination in Chief, Cross Examining Prisoners' witnesses, and replying to the defence set up in necessary Cases. &c.ᵃ &c.ᵃ which otherwise devolves upon the Court and thereby greatly interferes with the scope of its duties and implied Character for impartiality.—

2. With reference to the latter part of your 2ᵈ Para, I further beg to state that I am well assured of the inability of the Deputy Superintendents of the Districts under my charge to name any person for the purpose whose nomination would satisfactorily secure the ends of justice.

Under these Circumstances, and as the authorizing C. Ramasawmy would not involve any additional expense to the state, I would again request the favor of your Authorizing the said Official to prosecute Cases before me pending final arrangements in the matter.—

4. I beg further to report with reference to Para 4 of your letter that I am informed by C. Ramasawmy that the Appointment held by him was not that of public prosecutor under the authority of Government but that he Conducted prosecutions before the Sessions and other Courts whenever necessary, under a general authority granted him by the Magistrate of the Salem District in pursuance of

the latter part of Section 202 of the Criminal Procedure Code. It appears that to each Sessions Court in the Madras presidency one Government pleader is attached both in the Civil and Criminal Departments, and that this officer is supposed also to Conduct similar duties when required in the subordinate Courts. His salary is 20 or 21 Rupees a Month, and the Assistance he gives the Court in the Criminal side amounts to putting in a Complaint in each case stating the offence charged against the Prisoner and requesting the Court to do justice.

5. Since the procedure Code and the Penal Code have taken the place of the old Law, the necessity for the appointment of public prosecutors thoroughly qualified for their duties has engaged the attention of Higher authority - and the question seems to be now under consideration. Meanwhile one of the Inspectors of Police of the higher grade is employed to prosecute Cases before the Courts.-

6. To shew how satisfactorily C. Ramasawmy Conducted his duties as prosecuting Inspector in the Salem Courts. I beg to enclose Copies of two public documents he holds from the Sessions Judge and the late Superintendent of Police of that District.-

I have the honor to &c.

/Signed/ C. Elliot.
Superintendent.-

Bangalore
31st August 1863.-

True

True Copy.

Chas. H. Saunders

Judicial Commissioner.

1863. No 2020
Encl. 71

To
The Judicial Commissioner
in Bengkoxe
Dated 10th Septr 1863
Recd 22nd

General No 2028.
Encl. " 71. } 1863/64

Returns the enclosures
received with Letter No 1560 of the
4th Instant, and conveys Comm.rs
opinion and instructions on the
subject of entertaining Government
Vehicles for the Division.

Mr. in order to

General № 2028 / Judl. — 70 } 1863/64.

Mysore Commr's Office.

To The Judicial Commr in Mysore.

Sir

In returning here-
with the enclosures noted
in the margin received
with your letter № 156
of the 4th inst: I have
the honor, by desire of
the Commr. to state
that it is quite clear
that the system of fees
followed in the Mysore Tribunals
could not be adopted,
in Coorg
as there is no existing
class of Vakeels ~~in Coorg~~
who would be eligible
for selection, nor would
it be desirable to intro-
duce them.

2 It remains
therefore to decide upon
the agency, to be employed
& upon the scale of
remuneration for the

№ 256 d/25 Augt/63. From Magistrate of Bellary To Judl. Commr. with one enclosure.
" — d/ do — do — From Sessions Judge Salem — To — do — with — do —
" d.y. d/27 — do — From Civil & Sessions Judge Mangalore — To — do —
" 341 — d/ — do — From Sessions Judge Cuddapah — To — do —

B 9/9/63

3. The Sup^dt
Nugur is of opinion
that it would be useless
to seek for qualified
men in the Districts, and as this Govt. considers that this being
~~on which view he is~~
probably correct, it ~~The~~
~~Govt~~ appears to ~~me~~ him
that it would be preferable
that 3 Prosecutors, one
for each Division, should
be nominated by you.
Considering the amount
~~of Salary paid in Madras~~
of Districts, and the Salary
proposed by the Bellary
Magistrate, the Comm^r
is of opinion that
Rs: 100 a month ~~will be~~
~~a sufficient remuneration~~
with travelling allowance
of 3/10^ths of salary rates
when actually moving to
& from the Divisional
Head Quarters, will be a sufficient
remuneration for the

4 The Govt will not object to
the temporary employment
of the Manager of the Supt's
Office to conduct the prosecutions
on behalf of Govt at the Enquiry
Sessions at Seira -

Bangalore
10th Sept^r 1853.